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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,448	07/26/2001	Edward Covannon	82990F-P	7353

7590

09/30/2002

Milton S. Sales
Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

EXAMINER

HOTALING, JOHN M

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 09/30/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/915,448

Applicant(s)

COVANNON ET AL.

Examiner

John M Hotaling II

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 6) ☐ Other: _____

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DETAILED ACTION

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6,8,11-13, 16, 20-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6, 8, 11-13, 16, 25-27, 30-32, 35, and 36 recites the limitation "said home computer". There is insufficient antecedent basis for this limitation in the claim.

Claim 8 and 27 recites the limitation "a computer" in line 2. This is the second recitation of a computer and as such could cause confusion as to which computer the claim is referencing. A recitation such as "a device computer" would adjudicate the problem.

Claim 20 lines 3 and 4 should recite a first communication device, line 5 should recite a second communication device.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United

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States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-46 rejected under 35 U.S.C. 102(e) as being anticipated by Gershman et al US Patent 6,401,085. Gershman is a mobile communication system that facilitates web-based information system with a hand held wireless retrieval and display system (one embodiment is a personal digital assistant (PDA)) with internet capability and a built in or attached bar code reader where each member owns and maintains his or her own profile. See the abstract and columns 3, and 37-39. Columns 4 and 5 disclose that the system may be implemented on different platforms and operating systems. Column 15 discloses that restriction criteria is settable by a user according to the user's preference. Column 33 discloses that a user's request may be returned in the format of a URL. Column 41 along with figure 13 discloses the formation of personal profiles that contain a username, password, a unique identifier, profiles, and profile restrictions. Column 48 discloses maintaining user profiles with a combination of user specified information and system learned and extrapolated data from the user information and activities. Column 48 also discloses that the system can attempt to determine by observation and cues from the environment, where the users are or are likely to be located. Column 60 discloses that the system can incorporate GPS, bio-sensors and environmental sensors into the device for a plurality of additional functions. With respect to the claim limitations that the home computer manages a profile the instant application teaches on pages 8 and 9 interconnectivity between computer systems is well known and therefore as long as there is a computer that manages and stores the user profiles and is accessible to the users of the system the requirement that it be on a

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home computer is overcome and the home computer can be considered to be a central server. With respect to claims 16 and 17 the agent or software program of gershman does indeed control certain aspects of the device such as which information to display to the user based on a user profile or request by the user and the device is more than capable of being used by a parent with a child. With respect to the claim limitations of claims 18 and 19 see figure 1a where the user with the device communicates with a plurality of devices.

Claims 1, 20, 37, and 42 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Layson, Jr US Patent 6,014,080.

Citation of Pertinent Prior Art

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Engel et al '866 discloses a system for communicating between a group

Allport '019 and 334 discloses a portable internet enabled controller

Mi et al '472 discloses system using internet caller ID for controlling access

Sharma et al discloses a game system that uses the position of a game unit

Kawamoto '902 discloses an networked wireless information terminal

Tran '060 discloses a data management system

Nahi et al '584 discloses a display tablet and communications system

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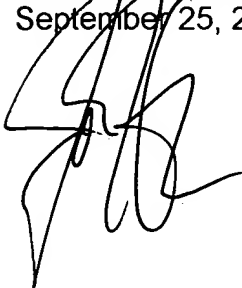
Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Hotaling II whose telephone number is 703 305 0780. The examiner can normally be reached on Mon-Thurs 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703 746 3236 for regular communications and 703 308-7769 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-7777.

John M Hotaling II
September 25, 2002

A handwritten signature in black ink, appearing to be 'JMH', written over the typed name and date.